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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,223	05/15/2001	Nader N. Abazarnia	884.391US1	1695

7590

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EXAMINER

NGUYEN, JIMMY

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/858,223

Applicant(s)

ABAZARNIA ET AL.

Examiner

Jimmy Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 17-22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of claims 1-9 and 17-27 in Paper No. 3 is acknowledged. The traversal is on the ground(s) that the restriction requirements are optional in all cases. This is not found persuasive because this restriction is not optional if it required totally different search for a system and a structure within a system.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 – 22 and 24 –27 are rejected under 35 U.S.C. 102(e) as being anticipated by Calanni et al (US 6361335).

As to claim 17, Calanni et al disclose (figs 6 and 7) a floating and self-aligning suspension system comprising;

A frame (700);

A biasing mechanism (730) mounted to the frame (700) to permit the frame to move relative to another structure; and

A connector (780) mounted to the frame (700) and movable with the frame for self-alignment and attachment to an assembly (690).

As to claim 18, Calanni et al disclose (figs 6 and 7) the biasing mechanism (730) is a plunger assembly.

As to claim 19, Calanni et al disclose (figs 1 and 7) a bank of capacitors (on the pcb 120) mounted to the frame; and a cable (all the wire connect the components on the pcb to the connector 780) connecting the bank of capacitors to the connector.

As to claim 20, Calanni et al disclose (figs 6 and 7) the other structure (600) is an outer frame into which the frame (insider) is disposed.

As to claim 21, Calanni et al disclose (figs 6 and 7) an actuator (740) to move the outer frame (700), wherein the frame and connector (780) will move independent of the outer frame to self align and attach the connector to a power tab of the assembly (pcb).

As to claim 22, Calanni et al disclose (figs 6 and 7) the assembly (pcb) is an IC having an array of signal pins extending in one direction and a power tab extending in another direction for attachment to the connector.

As to claims 24 - 27, Calanni et al disclose (figs 6 and 7), In *In re King*, 801 F.2d 1324, 1326 USPQ 136, 138 (Fed. Cir. 1986) it was held that: "Under the principles of Inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a process or method claim of an application, the claim is anticipated." The court added, however, that: "This is not to say that the discovery of a new use for an old structure based on unknown properties of the structure might not be patentable to the discoverer as a process.

***Allowable Subject Matter***


4. Claims 1 – 9 and 23 are allowed.

The prior arts of record do not disclose a stanchion member extending from each end of the first and second base members; at least two plunger assemblies attached to each of the first and second base members and extending from the first and second base members in a direction substantially opposite to the stanchion members to permit movement of the frame along a first axis relative an assembly.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen at (703) 306-5858. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

JN.  
July, 15, 2003

  
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